



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,257	02/02/2004	Linda Pestano	020093-003910US	9589
20350 7590 09/17/2008 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER				
WEHBE, ANNE MARIE SABRINA				
ART UNIT		PAPER NUMBER		
1633				
MAIL DATE		DELIVERY MODE		
09/17/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Attachment to Notice of Non-compliant Amendment under 37 CFR 1.121

4. C. and E. cont. Applicant's amendment to the claims filed on 5/20/08 does not comply with 37 CFR 1.121(c) for the following reasons: the text of the claims upon which applicant bases their amendments in claims 15-20 and 22 does not match that of the previously entered amendment filed on 8/22/07. Further, the text for claims 21 and 23 also does not match that of the previously entered amendment of 8/22/07. In addition, as claim 21 was amended and claim 23 was added by the 8/22/07 amendment, the claim identifiers for these claims are incorrect. Please note that the instant amendment to the claims filed on 5/20/08 has not been entered.

The previous office action indicated that claims 15-23 had been entered and then withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. The action then stated that the previous response of 8/22/07 was considered non-responsive as following entry of the amendment, there were no claims under examination. Since the claim amendment of 8/22/07 was entered, the instant amendment to the claims should have based on the claims as they appeared in the claim listing of the 8/22/07 amendment.

Any inquiry concerning this communication from the examiner should be directed to Anne Marie S. Wehbé, Ph.D., whose telephone number is (571) 272-0737. If the examiner is not available, the examiner's supervisor, Joseph Woitach, can be reached at (571) 272-0739. For all official communications, **the new technology center fax number is (571) 273-8300**. Please note that all official communications and responses sent by fax must be directed to the technology

Art Unit: 1633

center fax number. For informal, non-official communications only, the examiner's direct fax number is (571) 273-0737. For any inquiry of a general nature, please call (571) 272-0547.

The applicant can also consult the USPTO's Patent Application Information Retrieval system (PAIR) on the internet for patent application status and history information, and for electronic images of applications. For questions or problems related to PAIR, please call the USPTO Patent Electronic Business Center (Patent EBC) toll free at 1-866-217-9197.

Representatives are available daily from 6am to midnight (EST). When calling please have your application serial number or patent number available. For all other customer support, please call the USPTO call center (UCC) at 1-800-786-9199.

Dr. A.M.S. Wehbé

/Anne Marie S. Wehbé/

Primary Examiner, A.U. 1633